

AGENDA

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

**April 18, 2006
Aldermen Pinard, Thibault,
Smith, DeVries, Long**

**Upon Recess of BMA
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Pinard calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman Pinard advises that Ordinances are to be considered for consistency with the rules of the Board, and required laws, and requests the Clerk to make a presentation relative to the Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Building and Facilities Maintenance Coordinator) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by amending Section (D)(2)(b) Residential Parking Permit Zone #2, by adding Amherst Street and eliminating references to zoning boundaries.”

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

4. Chairman Pinard advises that a presentation having been made, if all is in order, a motion is in order to advise that the Ordinances presented are properly enrolled.
5. If there is no further business, a motion is in order to adjourn.

City of Manchester New Hampshire

In the year Two Thousand and

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AN ORDINANCE

"Amending Sections 33.024, 33.025 & 33.026 (Building and Facilities Maintenance Coordinator) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Building and Facilities Maintenance
Coordinator

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish, Building and Facilities Maintenance Coordinator
Grade 13

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 1280, Building and
Facilities Maintenance Coordinator. (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of
Ordinances inconsistent therewith are hereby repealed.



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Custodian
Class Code Number	5000

General Statement of Duties

Maintains a municipal facilities and related grounds; performs directly related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to ensure a clean, orderly, safe and pleasant public environment. The work is performed under the direct supervision of an assigned supervisor but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors and the public. The principal duties of this class are performed in municipal buildings involving the use of several cleaning agents and chemicals which must be handled with care.

Examples of Essential Work (illustrative only)

- Performs custodial duties on municipal facilities, including cleaning all rooms within a facility, sweeping floors, washing windows and ledges, cleaning bathrooms and all related components;
- Operates several pieces of machinery associated with building maintenance operations;
- Strips, waxes and buffs all tile floor;
- Ensures all necessary areas are properly sanitized, (kitchen areas, bathrooms etc.), according to set policy and procedures for health standards;
- Wet mops restrooms, showers and tile floors;

- Stocks all restrooms with needed supplies;
- Inventories and properly stores cleaning items and equipment;
- Informs supervisor of any supply needs;
- Identifies facility repair needs and informs supervisor;
- Monitors facilities on a regular basis and performs duties related to maintaining a clean environment, including picking up litter, cleaning up spills and all other spontaneous needs of a facility used by large numbers of people;
- Empties all trash;
- Performs general maintenance of building facilities, including replacing ceiling, baseboard tiles, light bulbs, windows and related building features;
- Monitors elevators, escalators and related pieces of equipment to ensure that all are functioning in a safe manner;
- Performs snow removal;
- Mows grass and trims shrubs around municipal buildings;
- Sets up rooms for special events;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Substantial knowledge of facilities maintenance operations and procedures;
- Substantial knowledge of all equipment and supplies related to facilities maintenance, including chemicals used for cleaning;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School; and
- Some experience in custodial operations; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- Valid New Hampshire driver's license.

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to perform janitorial duties;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to use a range of arm movements necessary to complete cleaning duties;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to various work sites throughout the municipal buildings.

Approved by: _____ Date: _____

DRAFT



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Building and Facilities Maintenance Coordinator
Class Code Number	5001-13

General Statement of Duties

Performs general maintenance and repair work on City Hall Complex and grounds, including maintaining operating condition of machinery and equipment; performs related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to maintain a safe, clean environment for employees and the public. The work is performed under the supervision and direction of the City Clerk but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors, elected officials and the public. The principal duties of this class are performed in an indoor and outdoor work environment with potential hazards.

Examples of Essential Work (illustrative only)

- Completes general maintenance and repair assignments around the City Hall Complex, including painting, repairing sheetrock, chalking, unclogging sinks and toilets, etc.
- Plants, waters, fertilizes, cultivates, and rakes;
- Collects litter and debris around the complex, including cleaning and disinfecting interior & exterior areas soiled by patrons;
- Applies pesticides to outdoor plants;
- Uses hand tools, including shovels, electric drills and rakes;
- Performs repairs to windows, doors, plumbing and other fixtures;

- Operates power equipment, including skill saws, chain saws, drills, snowblower, wet vac, carpet cleaner, vacuum, etc.;
- Inventories City Complex area and informs supervisor of any needed repairs and/or maintenance;
- Assists outside vendors, as necessary;
- Supervises temporary summer employees hired through the City Clerk's office for various maintenance and grounds keeping tasks;
- Monitors the work of the contract cleaning crew and speaks to vendor regarding problems, as needed;
- Performs set-up and tear down of election booths at 12 polling locations through the City;
- Cleans and weeds flower beds, mulches around flowers and waters as appropriate;
- Prunes related shrubbery as necessary;
- Sets up rooms for meetings and conferences;
- Monitors and maintains equipment in a safe operating condition and reports all damages to supervisor;
- Checks and maintains air, oil, fuel, spark plugs, mower blades, tires etc., on equipment;
- Cleans equipment and work area;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Acts as lead person on a crew, when assigned;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Thorough knowledge of building maintenance activities and procedures;
- Thorough knowledge of safety procedures involved in building maintenance activities;
- Substantial knowledge of the proper operating procedures for all equipment used;
- Some knowledge of Departmental objectives and purposes;
- Skill in the use shovels, rakes, leaf blowers, etc.;
- Skill in the use of snowblowers, chain saws, drills, snowblowers, etc;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;

- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School or possession of a GED; and
- Considerable experience in building maintenance activities; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- Valid New Hampshire Driver's License;
- On-call status, as needed.

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to monitor work in progress;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate hand and power tools;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to work sites throughout the complex at heights on ladders and outside during extreme summer and winter conditions;
- Sufficient mobility and flexibility which allows the employee to stoop, kneel, crouch, stand, walk, push, pull, climb and grasp repetitively.

Approved by: _____

Date: _____

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by amending Section (D)(2) (b) Residential Parking Permit Zone #2, by adding Amherst Street and eliminating references to zoning boundaries”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

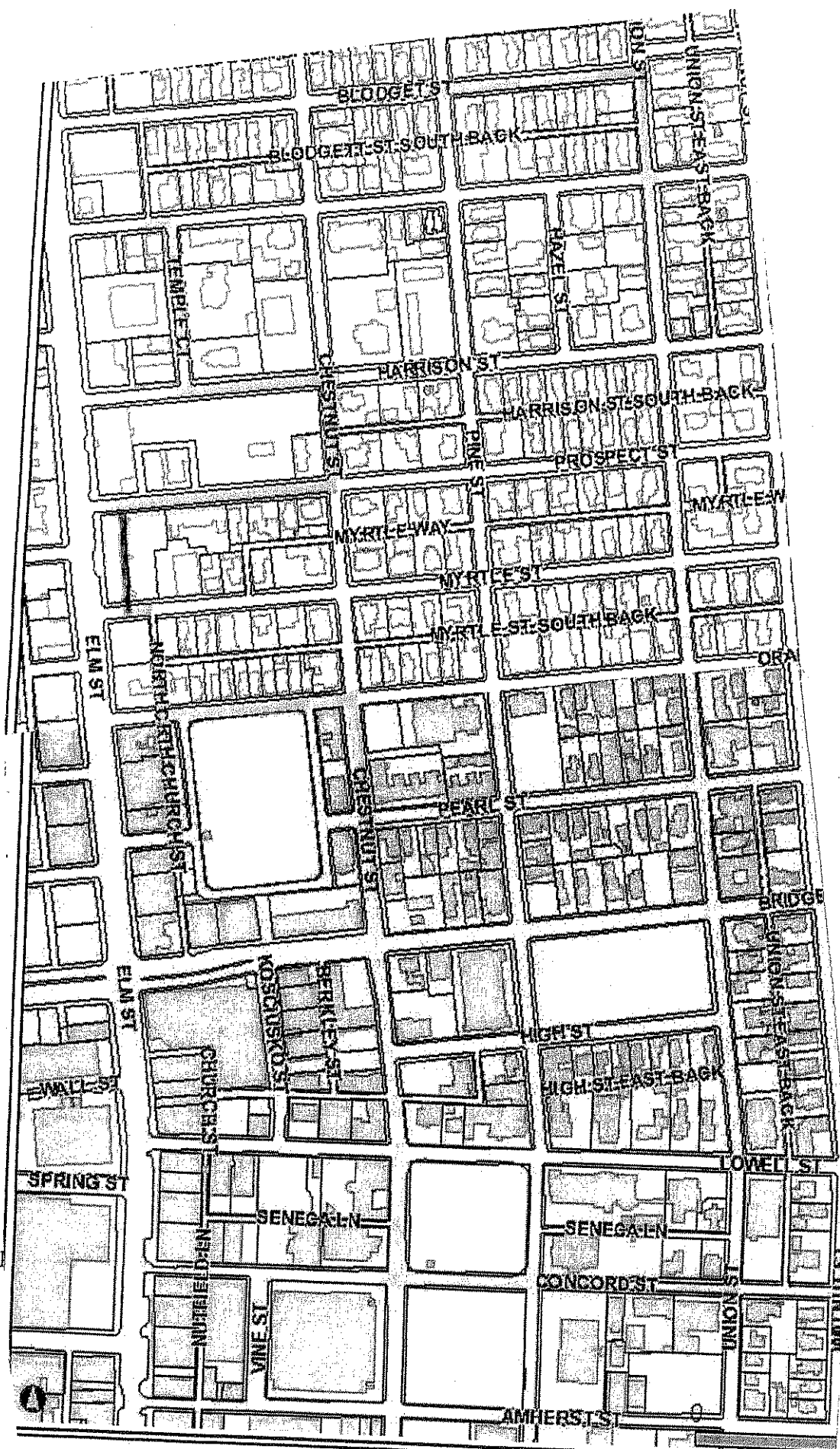
I. Amending Section 70.55, Residential Permit Parking, Section (D)(2)(b) by inserting new language as bolded (**bold**). Sections of Chapter 70.55 not reflected remain unchanged.

(D) Residential Parking Permit Zones. The following areas are hereby designated as the Residential Parking Permit Zones:

(2) Residential Parking Permit Zone #2.

(b) Area bounded by Concord Street **Amherst Street** on the south, Blodget Street (**from Elm Street to Union Street**) on the north, Union Street on the east, and ~~on the west by the western boundaries of C-1, R-4, R-3, and R-3 PO pursuant to the Zoning Map of the City of Manchester, NH~~ **Chestnut Street to Orange Street, then westerly on Orange Street to Elm Street and then continuing northerly on Elm Street to Blodget Street on the west. Both sides of Blodget Street between Elm Street and Union Street shall be included. Union Street and Elm Street shall not be included in the program. Residents within permit zone #2 on Amherst Street must park on Concord Street or northerly in the zone.**

II. This Ordinance shall take effect upon its passage.



City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows: **Chapter 94: Noise Regulations**

Section

General Provisions

- 94.01 Purpose
- 94.02 Scope
- 94.03 Definitions
- 94.04 Enforcement
- 94.05 Measurements
- 94.06 Submission of Fees

Minimum Standards

- 94.10 Noise Levels
- 94.11 Exemptions
- 94.20 Motor Vehicles

Administration and Enforcement

- 94.40 Noise Variance Board
- 94.42 Application Procedures
- 94.43 Prohibited Conduct
- 94.44 Penalties

Statutory reference:

Authority of city to regulate noise, see R.S.A. 47:17 II & XV.

GENERAL PROVISIONS

§ 94.01 PURPOSE.

It is the policy of the Board of Mayor and Aldermen of the City of Manchester to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of Manchester through the reduction, control and prevention of noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary environmental noise throughout the community which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

City of Manchester New Hampshire

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 94.02 SCOPE.

This ordinance shall only apply to noise originating within the city limits of the City of Manchester, NH that is traveling in the atmosphere or environment. This ordinance shall apply to all bodies of water within the city limits of the City of Manchester, irrespectively if they flow through or are contained partially or entirely within the city limits.

§ 94.03 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT SOUND LEVEL. The A-weighted sound level of all sound associated with a given environment, exceeded ninety percent (90%) of the time measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

ANSI. The American National Standards Institute.

ANSI S SERIES STANDARDS. Those ANSI standards relevant to sound, acoustics, shock, vibration and bioacoustics.

A-WEIGHTED SOUND PRESSURE. The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

COMMERCIAL POWER EQUIPMENT. Any equipment or device rated at more than five horsepower and used for building repairs or property maintenance excluding snow removal equipment.

COMMERCIAL PREMISES. Any land parcel with buildings where the use of less than fifty percent (50%) of the gross floor area meets the definition of residential premises. Includes locations of various scale operating as retail, automotive use, restaurant, governmental, financial, entertainment and cultural and shopping centers as identified pursuant to the Manchester Zoning Ordinance.

CONSTRUCTION EQUIPMENT. Any device or mechanical apparatus operated by fuel, electric, or pneumatic power in the excavation, construction, repair, or demolition of any building, structure, land parcel, street, alley, waterway, or appurtenance thereto.

DECIBEL. A logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is dB.

DOMESTIC POWER EQUIPMENT. Any equipment or device rated at five (5) horsepower or less and used for building repairs or grounds maintenance excluding snow removal equipment.

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In the year Two Thousand and Six

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

EMERGENCY VEHICLE. An authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency, during a police activity or which is required by state or federal regulations (i.e., reverse alarms).

EMERGENCY WORK. An activity made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to imminent danger. It includes work by private or public entities for providing or restoring immediately necessary service as well as all situations deemed necessary by the city.

EMERGENCY POWER GENERATOR. The equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by the service provider.

GROSS FLOOR AREA. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

INDUSTRIAL PREMISES. Any premise where the production of goods, materials or knowledge takes place. May include locations for manufacturing, warehousing, research and development, distribution or other selected offices as identified pursuant to the Manchester Zoning Ordinance.

MOTOR VEHICLE. Any vehicle that is self-propelled, used primarily for transporting persons or property upon public roadways and required to be licensed according to motor vehicle registration laws. The term motor vehicle shall not include: aircraft, watercraft, motor vehicles operated on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business such as forklifts, and pallet movers.

NOISE. Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

NOISE VARIANCE. Specific relief from the terms of this chapter as granted by the Noise Variance Board.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

PERSON. An individual, corporation, partnership, association, organization or similar entity.

PREMISES. Any building, structure, land, utility or portion thereof, including all appurtenances, and shall also include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.

PROPERTY LINE. The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person. The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building, condominium, or townhouse complex shall not be considered property lines separating one (1) property from another.

PUBLIC PREMISES. All real property including appurtenances thereon which is owned or controlled by any governmental entity and shall include streets, alleys, parks and waterways.

RECEPTOR PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A which is receiving noise emitted from the source premises after crossing one or more property lines. Also referred to as the receiving premise.

RESIDENTIAL PREMISES. Any premises where single or multiple dwelling units exist and shall include primary schools, churches, nursing homes and similar institutional facilities including any commercial premises where the use of more than fifty percent (50%) of the gross floor area meets this definition of residential premise.

SOUND. An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

SOUND LEVEL METER. An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4 entitled Specification for Sound Level Meters.

SOUND PRESSURE LEVEL. Twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newtons/meter²) and is expressed in decibels (dB).

SOURCE PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A that is emitting noise that is crossing one or more property lines and impacting the receptor premises.

SNOW REMOVAL EQUIPMENT. Any equipment used for removing snow from land or building surfaces and shall include snowplows, snow blowers, snow sweepers, and snow shovels.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

TABLE A. The reference table contained in § 94.10 of this chapter that details the maximum allowable noise levels for all premises in the City of Manchester, including a time of day allowance. Measurements of noise levels are made at the property line of the receiving premises.

TABLE B. The reference table contained in § 94.20 of this chapter that details the maximum allowable noise levels for all motor vehicles operating in the City of Manchester during any time of the day or night. Measurements of noise levels are made twenty-five (25) feet from the source motor vehicle.

TREE MAINTENANCE EQUIPMENT. Any equipment used in trimming or removing trees only and shall not be limited to chainsaws, chippers and stump removers.

§ 94.04 ENFORCEMENT.

The Chief of Police or his designee shall have and exercise the power to enforce the provisions of this title. Licenses or permits issued pursuant to this title shall also be enforced by a designee of the Office of the City Clerk. Enforcement shall include entering areas of public access or operation, free of charge, to ensure compliance and issuance of citations for any violations with penalties to be assessed as provided in §94.44 of this title.

§ 94.05 MEASUREMENTS.

For the purposes of this ordinance, the measurement of all physical parameters or entities associated with acoustics, sound, noise, or vibration shall comply with the most recent S series standards of ANSI, American National Standards Institute, Standards for Sound, Acoustics, Shock and Vibration, Bioacoustics. Furthermore, all physical parameters, or entities determined or calculated from such measurements relevant to acoustics, shock, vibration or bioacoustics shall be determined or calculated in accordance to the most recent S series standards of ANSI where so applicable.

§94.06 SUBMISSION OF FEES.

Fees for permits, applications and licenses shall be submitted with the applications under this chapter and shall be considered nonrefundable.

City of Manchester New Hampshire

In the year Two Thousand and Six

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

MINIMUM STANDARDS

§ 94.10 NOISE LEVELS.

Noise levels shall be measured at any point along the property line or within the property line of the receiving premises to determine compliance of the source. When it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ambient sound level is the standard which cannot be exceeded by the source. The following table identifies allowable noise levels within various areas throughout the City:

TABLE A

Maximum Allowable Noise Levels (in dBA) with Time of Day Allowance

Source Premises	Receptor Premises							
	Residential		Commercial		Industrial		Public	
	7am-- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am
Residential	55	50	65	60	80	75	75	70
Commercial	55 [60]	50 [60]	65	60	80	75	75	70
Industrial	55 [65]	50 [65]	65	60	80	75	75	70
Public	55 [60]	50 [60]	65	60	80	75	75	70
Body of Water	55	50	65	60	80	75	75	70
(The numbers in brackets are the allowable limits that comply with § 94.11 (N) Exemptions.)								

§ 94.11 EXEMPTIONS.

The maximum permissible sound pressure levels as specified in Table A shall not apply to sounds emitted from:

(A) Any bell or chime from any building clock, school or church, not including any amplified bell or chime sounds emitted from loudspeakers.

(B) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, police activity or imminent danger.

(C) Any aircraft in flight subject to federal law regarding noise control.

(D) Any ground-based aircraft activity including testing or engine run-up noise.

(E) Any motor vehicles designed for and operated on public streets, alleys, highways or freeways that are regulated by Table B.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(F) Any tree maintenance equipment operated upon a residential, commercial, industrial or public premises provided that operation of tree maintenance equipment between the hours of 9:00 p.m. and 7:00 a.m. shall not exceed the maximum noise levels as specified in Table A.

(G) Any construction equipment or activities in compliance with § 94.43 (F) of this ordinance.

(H) Any domestic power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty (80) dBA when measured at the property line of the receiving premise.

(I) Any commercial power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving premise.

(J) The musical instruments of any school marching band while performing at any sporting event or marching band competition, and the musical instruments of any school marching band practicing on school grounds between the hours of 9:00 a.m. and 8:00 p.m. that do not exceed sixty-five (65) dBA when measured at the property line of the receiving residential premise.

(K) Following a snowstorm, snow removal equipment operated on any premises between the hours of 5:00 a.m. and 10:00 p.m. provided that such equipment does not exceed the sound pressure limits for commercial power equipment (eighty-eight (88) dBA) or domestic power equipment (eighty (80) dBA) when measured at the property line of the receiving premise.

(L) Any power generator providing emergency electrical power at any hospital, health clinic, nursing home or similar facility where the loss of electrical power creates an immediate risk to the health, safety or welfare of any person, or at any premises where such equipment is required by the Manchester Fire Department. Additionally, the noise emitted during the routine testing of emergency electrical power generators shall not exceed eighty-eight (88) dBA when measured at the property line of the receiving premise. Routine testing shall not exceed one (1) hour in any one-week period, or two (2) hours in any six-week period and shall be confined to the hours of 10:00 a.m. to 4:00 p.m. or as otherwise approved.

(M) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when the zoning of the receiving residential premises does not allow residential use (residential use is nonconforming). However, in such a situation, the noise emitted by the industrial, commercial, or public premises shall not exceed the standards for receiving industrial premises.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(N) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when such industrial, commercial, or public premises and their emitted noise level were in existence prior to the existence of the residential premises, provided however that the existing industrial premises does not exceed sixty-five (65) dBA and the commercial premises do not exceed sixty (60) dBA when measured at the receiving residential premises.

(O) Any water craft or noise emanating from or on a body of water between the hours of 7:00 a.m. and 10:00 p.m. provided that such noise does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving property and further provided that between 10:00 p.m. and 7:00 a.m. such equipment does not exceed the maximum sound pressure levels as specified in Table A.

§ 94.20 MOTOR VEHICLES.

All noise levels from motor vehicles shall be measured at twenty-five (25) feet from the source vehicle to determine compliance. Except where preempted by state law the standards in Table B shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

TABLE B

Maximum Allowable Noise Levels for Motor Vehicles

Type of Vehicle	Time Period	Maximum Allowable Sound Pressure Level measured in dBA	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight	At any time	80	25 feet

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

LICENSE REQUIREMENTS

ADMINISTRATION AND ENFORCEMENT

§ 94.40 NOISE VARIANCE BOARD.

It is recognized that in initiating community noise limits, any number of unanticipated situations may occur. Although the City is primarily concerned with protecting, preserving and promoting the health, safety, welfare and peace and quiet of the citizens of Manchester, the City realizes that there may be preexisting conditions that need an extended period of time to conform to the noise limits imposed by this ordinance. The City also recognizes that events or incidents can occur where there was every good faith expectation of complying with the noise limits imposed by this ordinance, but for some unforeseen circumstance, those events or incidents failed to comply.

This section hereby establishes a Noise Variance Board in which members shall approve or deny variances to this chapter, hereinafter referred to as a noise variance. The board shall consist of the Committee on Administration of the Board of Mayor and Aldermen.

§ 94.42 APPLICATION PROCEDURES.

Applications must be submitted to the Office of the City Clerk. General guidelines may be considered in the issuance of a noise variance. These guidelines are not all inclusive and other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of noise upon the community. The guidelines are as follows:

(A) Variances shall be granted prior to or in anticipation of an event.

(B) The City reserves the right to grant a variance after the fact if it is deemed by the Noise Variance Board to be in the public good, if the Board believes that an honest, fair and reasonable attempt was made to comply with the noise limits imposed by this ordinance, or the failure to comply was due to some unforeseen circumstance.

(C) A variance for the continuation of a non-complying activity may be granted after a reasonable attempt was made to comply and may contain such stipulations as the Board may deem necessary to protect the public that may include, but is not limited to:

1. Regulation of times;
2. The erection of noise barriers, shielding or other noise abatement; and
3. A demonstration of compliance progress.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(D) The applicant bears the burden of presenting evidence sufficient to allow the Noise Variance Board to reach conclusions and make findings to support the authorization of a variance.

(E) The Board may require a public hearing on a certain matter to permit abutting landowners to present written or oral testimony for consideration of granting or denying a variance.

(F) The Board may request review and recommendations from various City departments including the Building Commissioner, Public Health Director, Director of Planning, Chief of Police, City Clerk or their designees. Testimony of department representatives may be requested at a variance hearing.

(G) Final decisions shall be made available within seventy-two (72) hours after a vote on an application. A written decision will be mailed to the applicant with copies made available to the departments of Health, Police and City Clerk.

(H) In granting a variance, the Board may impose such conditions or stipulations as it deems necessary and proper in order to preserve the intent of this chapter.

(I) All decisions by the Noise Variance Board are final and may not be appealed to any other municipal board, committee or commission.

(J) As community noise is a public health concern, noise variances shall only be granted for a reasonable period of time, not more than two (2) years.

(K) The renewal of a variance after two (2) years requires the consent of the Board of Mayor and Aldermen.

(L) Variances shall not be granted for continued or sustained violations that may be physically injurious to one or more persons as determined by the Public Health Director.

(M) Once an application has been denied by the Noise Variance Board, the same application may only be considered if the Board finds that the application is materially different in nature and degree from the prior application.

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§ 94.43 PROHIBITED CONDUCT.

The following conduct is prohibited:

- (A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.
- (B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized person while in the performance of their duties under this ordinance.
- (C) Emit or cause to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table A, without a variance.
- (D) Emit or cause to be emitted any noise within the public premises in excess of the limits defined in Table A without a variance.
- (E) Reserved
- (F) Operate any construction equipment or conduct any construction activities between the hours of 9:00 p.m. and 7:00 a.m. that exceed the noise limits of Table A. The City may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic if completed during daytime hours.
- (G) Operate any trash compacting mechanism on any motor vehicle, or engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such activity takes place on any premises adjacent to a residential premises.
- (H) Operate or permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the noise limits for the category of motor vehicle and for the designated time period as specified in Table B.
- (I) Sound any horn or other audible signal device of an automobile, motorcycle, streetcar, or other vehicle unless it is necessary as a warning to prevent or avoid a traffic accident or reasonably inform or warn of a vehicle presence.
- (J) Modify or change the exhaust muffler, air intake muffler or any other sound reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in Table B of § 94.20 except where permitted by state law.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(K) The noise limits in Table A and Table B notwithstanding, no person shall:

1) Make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the city.

2) Use, operate or permit to be played, used or operated of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the inhabitants of a neighboring premises. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the lot line, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3) Use, operate, or permit to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner that the occupants of a neighboring premises disturbed or annoyed.

4) Yell, shout, hoot, whistle, or sing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in neighboring premises.

5) Keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in a neighboring premises.

6) Use any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

7) Transport rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

§ 94.44 PENALTIES.

(A) Each act of violation of § 94.43 Prohibited Conduct and every day upon which any such violation shall occur in one (1) calendar year shall constitute a separate offense and follow the penalty schedule below:

(1) *FIRST OFFENSE:*

The offender shall be informed of the noise ordinance and corrective measures to achieve compliance. This shall constitute an official warning and should be accomplished in writing if possible.

(2) *SECOND OFFENSE:*

A citation shall be issued to the offender in the amount of two hundred and fifty dollars (\$250.00).

(3) *THIRD OFFENSE:*

A citation shall be issued to the offender in the amount of five hundred dollars (\$500.00).

(4) *FOURTH AND SUBSEQUENT OFFENSES:*

A citation shall be issued to the offender in the amount of one thousand dollars (\$1000.00).

(B) If the court finds for the City, the City shall recover its costs of suit including reasonable expert fees, attorney fees and necessary investigate costs.

This ordinance shall take effect upon its passage.